

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danny Murphy
Serial No.: 09/638,089
Filed: August 11, 2000
For: Demographic Information Database Processor
Group Art Unit: 3626
Examiner: Vanel Frenel
Attorney's Docket No.: N6447
Customer No.: 23456

STATUS REQUEST
AND
COPIES OF PREVIOUSLY FILED RESPONSE AND STATUS REQUESTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant filed this application on August 10, 2000. The Examiner issued a final rejection in an Office Action mailed February 10, 2005. On August 10, 2005, Applicant filed a Response to Office Action mailed February 10, 2005. On January 18, 2006 Applicant, at the Examiner's request, faxed a copy of Applicant's August 10, 2005 response to the requested facsimile number. On February 1, 2006, Attorney Brantley spoke with the Examiner and confirmed that the Examiner received Applicant's Response and would conduct another prior art search subsequent to review of Applicant's Response.

On December 6, 2006, Attorney Bayless spoke with the Examiner regarding the absence of any action by the USPTO in this application. The Examiner requested an additional transmission of the Status request and the Response.

Applicant has received no further communications from the Patent and Trademark Office. Accordingly, Applicant respectfully requests a status report on the above-referenced matter.

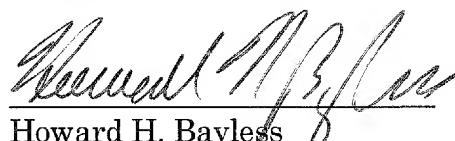
To aid the Examiner, Applicant encloses copies of:

- (a) Status Request filed May 23, 2006, with USPTO confirmation
- (b) Attorney Brantley's facsimile to the Examiner retransmitting a copy of the Response to the February 10, 2005 office action
- (c) A copy of the Response to the February 10, 2005 office action, filed by Attorney Brantley and including a telephone interview summary noting Examiner's agreement to withdraw the finality of the rejections.

If the Examiner has any questions regarding this status request, or feels that a telephone conference will facilitate the prosecution of this application, Attorney Brantley (preferred) or the undersigned attorney can be contacted at (256) 535-4400.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



Howard H. Bayless
Registration No. 51,245

WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

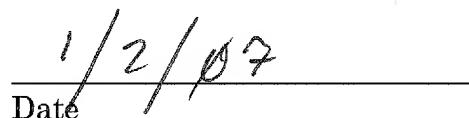
Howard H. Bayless
Waddey & Patterson, P.C.
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Status Request for application serial number 09/638,089, which was filed on August 11, 2000 is being transmitted to the United States Patent and Trademark Office, Fax No. by means of the EFS electronic filing system on January 2, 2007.

Howard H. Bayless


Signature


Date

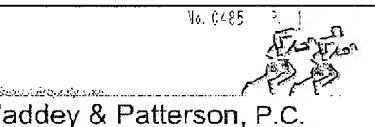
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TO: Fax Sender at 2565354402
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Date Received: 5/23/2006 5:39:29 PM [Eastern Daylight Time]
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Page
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May 23, 2006 4:36PM		Waddey&Patterson	16.6485
			
FAX COVER PAGE			
TO:	Examiner Vanel Frenel	FROM:	Howard H. Bayless hbayless@iplawgroup.com
FAX NO.:	571-273-6700	PAGES:	4 (including cover page)
DATE:	May 23, 2006		
TIME:	4:35 PM	AM (CST)	X
<hr/> SUBJECT: STATUS REQUEST APPLICANT: Danny Murphy SERIAL NO.: 09/638,089 FILED: August 11, 2000 FOR: Demographic Information Database Processor GROUP ART UNIT: 3626 CUSTOMER NO.: 23456 OUR DOCKET NO.: N6447			
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PAGE 1/4 RCVD AT 5/23/2006 5:39:29 PM [Eastern Daylight Time] * SVR:USPTO-FXRF-221 * DNG:2738300 * CSID:2565354402 * DURATION (mm:ss):01:08			

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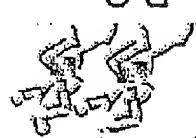
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SUBJECT:	STATUS REQUEST	APPLICANT:	Danny Murphy	FILED:	August 11, 2000	FOR:	Demographic Information Database Processor	GROUP ART UNIT:	3626	CUSTOMER NO.:	23456	OUR DOCKET NO.:	N6447
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TO:	Examiner Valerie Freneel	FAX NO.:	571-273-6769	PAGES:	4	(including cover page)	4:35 PM <input checked="" type="radio"/> AM (CST)	TIME:	May 23, 2006	DATE:	
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Waddell & Watterson, P.C.



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Waddell & Watterson

No. 0485 P. 1

1

the above-referenced matter.

Trademark Office. Accordingly, Applicant respectfully requests a status report on

Applicant has received no further communications from the Patent and

Response.

would conduct another prior art search subsequent to review of Applicant's

Examiner and confirmed that the Examiner received Applicant's Response and

10, 2006 response. On February 1, 2006, Attorney Brantley spoke with the

18, 2006 Applicant, at the Examiner's request, faxed a copy of Applicant's August

Applicant filed a Response to Office Action mailed February 10, 2006. On January

final rejection in an Office Action mailed February 10, 2005. On August 10, 2005,

Applicant filed this application on August 10, 2000. The Examiner issued a

Dear Sir:

Alexandria, VA 22313-1450
P.O. Box 1450
Commissioner for Patents
Mail Stop Amendment

Via Facsimile to 571-273-8300

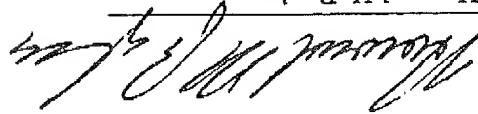
STATUS REQUEST

Applicant:	Danny Murphy	Filed:	August 11, 2000	For:	Demographic Information Database Processor	Group Art Unit:	3626	Examiner:	Vanel Frenel	Attorney's Docket No.:	N6447	Customer No.:	23456
Serial No.:	09/638,089	Ref'd:		From:		Customer No.:		Customer No.:		Customer No.:		Customer No.:	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Howard H. Bayless
Waddell & Paterson, P.C.
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

ATTORNEY FOR APPLICANT
Customer No. 23456
A Professional Corporation
WADDY & PARTERSON
Registration No. 51,245
Howard H. Bayless



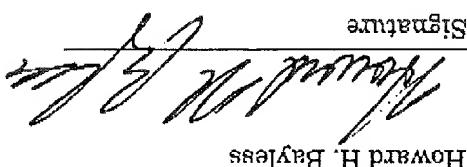
Respectfully submitted,

overpayment associated with the filing of this Response to Deposit Account 23-0035.
The Commissioner is authorized to charge any deficiency or credit any
underpaid attorney can be contacted at (256) 535-4400.
telephone conference will facilitate the prosecution of this application, the
If the Examiner has any questions regarding this status request, or feels that a

Date

May 23, 2006

Signature



Howard H. Bayless

I hereby certify that this Status Request for application serial number 09/638,089, which was filed on August 11, 2000 is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number 571-273-8300, on the date indicated below.

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SUBJECT: Response and Amendment to 02/10/2005 Final Office Action
APPLICANT: Danny Murphy
FILED: 09/6/05, 089
FOR: Demographic Information Database Processor
GROUP ART UNIT: 3626
CUSTOMER NO.: 23456
OUR DOCKET NO. N64A7
Please acknowledge receipt showing that the original 7 page response and a 1 page
facsimile response were received on August 11, 2005. Please find a copy of our
via facsimile on August 10, 2005. Additionally, please find a copy of our
the February 10, 2005 office action, which we previously submitted to you
Per your request, this facsimile contains a copy of the Response to
the Response and Amendment to 02/10/2005 Final Office Action

or wish to discuss this fax or response.
Office immediately at 256-535-4400 if you have any questions or concerns
cover sheet (total 8 pages), were received August 10, 2005. Please call our
facsimile response that the original 7 page response and a 1 page
via facsimile on August 10, 2005. Additionally, please find a copy of our
the February 10, 2005 office action, which we previously submitted to you
Per your request, this facsimile contains a copy of the Response to
the Response and Amendment to 02/10/2005 Final Office Action

URGENT Message:

TO: Examiner Valerie Frenele FROM: Larry W. Branley
FAX NO.: 571-273-6769 PAGES: 9 (including cover page)
DATE: January 18, 2006 TIME: 8:42 AM (CST)
FAX NO.: 571-273-6769 PAGES: 9 (including cover page)
DATE: January 18, 2006 TIME: 8:42 AM (CST)

FAX COVER PAGE



Fax Call Report

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Job	Date	Time	Type	Identification	Duration	Pages	Result
330	8/10/2005	6:25:58PM	Send	15712736769	3:16	8	Ok

The logo for Invent, featuring the word "INVENT" in a stylized, blocky font above a circular emblem. The emblem contains a stylized lowercase "in" and a diagonal line, with the letters "IN" partially overlapping the line. The entire logo is enclosed in a dark border.

HP LaserJet 3200se

2005.

This paper is submitted in response to the Office Action mailed February 10,

Dear Sir:

Alexandria, VA 22313-1450

P.O. Box 1450

Commissioner for Patents

Mail Stop Amendment

VIA FAXIMILE NO. (571) 273-6769

RESPONSE TO OFFICE ACTION

Applicant:	Danny Murphy	Serial No.:	09/638,089	Filed:	August 11, 2000	For:	Demographic Information Database Processor	Group Art Unit:	3626	Examiner:	Vanel French	Attorney's Document No.:	N6447	Customer No.:	23456
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

A preferred purpose of the method and apparatus of the present invention is described below with reference to determining the listener library of a radio station. However, the method and apparatus of the appeal, familiarity, and fatigue for a list of songs comprising the music inventory of a radio station.

The method and apparatus for surveying and reporting listener opinion inventive method which is described below.

provided for illustrative purposes only and are not meant to limit the scope of the present invention. FIG. 5 represents a flow chart of the

of a list of songs are described with reference to FIGS. 1-4 which are

does not contain any reference to a user database, let alone a user database containing

demographic profile information. The cited portion of Kelly relied on by the Examiner

teaching this limitation (see p. 2 of February Office Action). The cited portion of Kelly

plurality of registered users. The Examiner cites col. 2, lines 40-67 of Kelly as

includes a user database containing demographic profile information for a

these claims. For example, rejected Claim 97 is directed to a computer system *that*

examiner do not teach or suggest one or more of the claimed features in each of

rejection because the portions of Kelly and Cook cited and relied upon by the

5,913,204 and Cook 6,338,044 patents. Applicant respectfully traverses this

Claims 97-141 have been rejected under 35 U.S.C. §103(a) based on the Kelly

Claim Rejections - 35 U.S.C. §103(a)

arguments submitted below is respectfully requested.

pending in the Application. Reconsideration of the application based on the

been rejected. No claims have been canceled. Therefore, Claims 97-141 are still

Claims 97-141 are currently pending in this application. Claims 97-141 have

REMARKS

length. A review of the language in that portion, however, clearly indicates that it of Kelly is basically an entire column and has not been included here because of its opt-in database or a radio station database as required by Claim 97. The cited portion databases. The cited portion of Kelly, however, does not include any reference to an Examiner cites col. 3, ll. 1-54 of Kelly as teaching the required opt-in and radio station **database containing information regarding a plurality of radio stations**. The **containing music and entertainment information, and a radio station email addresses for registered users who have chosen to receive emails** system claimed in Claim 97 also requires an **opt-in database containing user** to the Examiner's statements otherwise, are not taught by Kelly. The computer There are also additional claims limitations included in Claim 97 that, contrary reference to a user database as suggested by the Examiner.

The Applicant has reviewed the above-referenced language and can find no

The geographic area or geographic market from which the individual listeners are selected is usually determined by the actual geographic market for service where potential listeners-

Initially, a group of music listeners is selected from which individual listener opinions are recorded. Individual listeners may be selected based on their compunction with specific listener criteria including geographic and/or racial or ethnic background.

Information is used to improve the marketability of the music and/or the radio station conducting the research. The survey method may be dependent locally in a single market, regionally, or on a national scale (hereinafter collectively referred to as "the radio station").

Information may be used generally to determine listener appeal, familiarity, and fatigue for a list of songs for any purpose. The resultant information is used to improve the marketability of the music and/or the radio station conducting the research. The survey method may be dependent locally in a single market, regionally, or on a national scale (hereinafter collectively referred to as "the radio station").

undersigned acknowledged that some of the claim limitations in the rejected claims various claim limitations in the rejected claims were taught or suggested. The on the rejections of Claims 97-141 and pointed out in the cited references where claim limitations required by rejected Claims 97-141. Examiner Thomas elaborated of the Kelly and Cook references did not appear to teach or suggest many of the Cook references. The undersigned also expressed his concern that the cited portions interview, Claims 97-141 were discussed, as well as the teachings of the Kelly and Joseph Thomas relating to the February 10, 2005 Office Action. During that interview with Patent Examiner Vanell Frenel and Supervising Patent Examiner On August 10, 2005, the undersigned attorney participated in a telephone

Telephone Interview

Cook references. Explaining to the examiner how Claims 97-141 are patentable over the Kelly and February 10, 2005 Office Action so that the applicant can submit a response clearly claims. Applicant requests that the patent examiner withdraw the finality of the not teach or suggest at least one of the claimed features in each of the rejected As indicated above, the cited and relied upon portions of Kelly and Cook do

Request to Withdraw the Finality of the February 10, 2005 Office Action

References cited and relied upon by the Examiner.

Claims 98-141 include similar claim limitations that are not taught by the

in and radio station databases. does not provide support for the Examiner's position that Kelly teaches the use of opt-

from May 10, 2005, to August 10, 2005. The Commissioner is authorized to charge extend the time for responding to the February 10, 2005, Office Action for 3 months Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to claims in condition for allowance.

Final action, amending Claims 97-141 as necessary in order to try to place those 3. The undersigned would be allowed to file a response to this new non-

might be relevant) supporting any claim rejections included in that action. identifying portions of the Kelly and Cook references (or any other references that February 10, 2005 Office Action and issue a new non-final office action clearly 2. In response, Examiner Freneel would withdraw the finality of the

some of the claim limitations required by rejected Claims 97-141. because the cited portions of the Kelly and Cook references did not teach or suggest Office Action requesting that Examiner Freneel withdraw the finality of that action February 10, 2005

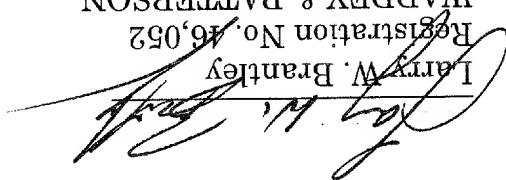
1. The undersigned would file a formal response to the February 10, 2005 following:

Examiner Freneel, and Supervising Patent Examiner Thomas agreed to the At the conclusion of the telephone interview the undersigned attorney, and Thomas agreed to withdraw the finality of the February 10, 2005 Office Action. Examiner Thomas during the telephone interview. As a result, Examiners Freneel an opt-in database with email addresses in Claim 97, was acknowledged by rejected claims were not taught by the cited references, such as the requirement for were taught by the cited references. The fact that some claim limitations in the

Larry W. Brantley
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 Nashville, TN 37219
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ATTORNEY FOR APPLICANT

Larry W. Brantley
 WADDLEY & PATTERSON
 Registration No. 46,052
 A Professional Corporation
 Customer No. 23456



Respectfully submitted,

the filing of this Response to Deposit Account 23-0035.

the required petition fee of \$510 to Deposit Account 23-0035. The Commissioner is
 also authorized to charge any deficiency or credit any overpayment associated with

Date

Registration Number 46,052

Signature

Larry W. Brantley

I hereby certify that this Response To Office Action is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-6769 on August 10, 2005.

CERTIFICATE OF TRANSMISSION